UTILITY COMMITTEE

The Utility Committee Meeting was held on October 10, 2011 at 5:01 p.m. with Chairman Bonar presiding. Members present were Mr. Lynn, Mr. Blakeman, and Mr. Snaman. Mrs. Williams was absent. Other members of Council present were Mr. Hare (arrived at 5:04 p.m.) and Mr. Hutchison. Mayor Carey was also present.

AGENDA ADDITIONS/DELETIONS

By unanimous consent, the agenda was approved as presented.

Proposed Ordinance #2011-27 - Amendment to Appendix B - Zoning, Article 5 - Supplementary Regulations, (New) Section 21 - Public Utility Infrastructure (Regarding Exemption of Public Utilities Infrastructure from Zoning Bulk Standards)

Mrs. Dawn Melson-Williams, Principal Planner, reviewed Proposed Ordinance #2011-27. She explained that public utility infrastructure, such as sewer pump stations, water towers, wells, and electric transformers, is vital to support the residences and businesses throughout the City of Dover. Mrs. Melson-Williams advised members that, currently, the Zoning Ordinance does not consistently address public utilities infrastructure as a permitted use throughout the different zoning districts in the City. She stated that it is briefly referenced in regard to the production of electricity in the Industrial Park Manufacturing Zone - Technology Center (IPM2) and that there are some references to public utility right-of-ways and structures in one of the residential zoning district sections.

Additionally, Mrs. Melson-Williams stated that staff has found that there are potential conflicts with the various bulk standards within the Zoning Ordinance, such as requirements for setbacks from property lines, heights for structures being constructed, and the process for reviewing projects affected by these standards. She explained that the bulk standards specified in the Zoning Ordinance are typically based on the uses and building structures in the various zoning districts. For example, while a specific residential zone may have a maximum building height of 35 feet for structures, it is unrealistic to apply this height standard to a water tower that might be necessary to support the surrounding residential area. Additionally, while a fence within a front yard (an area of a property closest to a street) may be limited to four (4) feet in height, such a fence surrounding an electric substation may need to be taller to properly protect the equipment.

Mrs. Melson-Williams explained that, in order to address these numerous issues throughout the code, staff has proposed an addition to Article V, the supplementary regulations of the code, in the form of a new Section 21. She stated that the proposed ordinance sets forth that public utility infrastructure would be permitted in all zones throughout the city and includes provisions for addressing the bulk standards of note, specifically, setback (the distance of the structure from a property line); the maximum height for fencing erected for a public utility infrastructure item; and the type of review process necessary for site development plan approval. Mrs. Melson-Williams explained that, depending on the type of project, a site development plan could involve just an administrative site plan by planning staff and affected agencies or may require consideration by the Planning Commission.

Mrs. Melson-Williams also noted that the proposed ordinance also includes exceptions.

Staff recommended that members recommend adoption of Proposed Ordinance #2011-27.

Responding to Mr. Blakeman, Mrs. Sharon Duca, Water/Wastewater Manager, confirmed that she and Mr. Ron Lunt, Public Utilities Director, reviewed Proposed Ordinance #2011-27 on behalf of the Electric Department.

In response to Mr. Bonar, Mrs. Duca stated that she was satisfied with the proposed ordinance.

Mr. Blakeman moved to recommend approval of Proposed Ordinance #2011-27, amending Appendix B - Zoning, Article 5 - Supplementary Regulations, by inserting a new Section 21 - Public Utility Infrastructure (Regarding Exemption of Public Utilities Infrastructure from Zoning Bulk Standards) *(Attachment #1)*, as recommended by staff. The motion was seconded by Mr. Lynn and unanimously carried.

Review of Utility Related Capital Investment Plan (CIP) *(Electric and Water/Wastewater)*

Members were provided a Project Tracking Report, as of August 31, 2011, for the Utility Related (Electric and Water/Wastewater) Capital Investment Plan (CIP).

Referring to the Capital Improvement Projects on Page 4 of the report, Mr. Scott Koenig, Interim City Manager, informed members that, if adopted by City Council, Proposed Ordinance #2011-27 may have an impact on the 1.0 MG Elevated Water Storage Tank. He stated that staff was currently looking for a site for the tower and then would come forward with proper zoning and land use applications for the siting of the tower and eventual construction.

In regard to the US 13 East Sanitary Sewer Interceptor Project, Mr. Koenig explained that this very large interceptor project covers the US 13 corridor and provides sanitary sewage to the entire northern end of Dover, from Dover Downs north. He stated that this project was operational and staff was working to complete the administrative paperwork, which is typically not completed until months after a project is finished. He reminded members that a request for the disposal of excess property, directly related to this project, was scheduled for consideration by the Legislative, Finance, and Administration Committee later in the evening.

Referring to the Bayard Avenue Project, Mr. Koenig reported that, earlier in the day, crews were beginning to hot mix the trench section of the north side of Loockerman Street and clean up that area in preparation for winter. He stated that, next year, it was likely that the street program would redo the curbs and Americans with Disabilities (ADA) ramps and then repave the area; however, at this time, the roads must be closed up for the winter. In regard to the south side of Bayard Avenue, Mr. Koenig informed members that crews have been continuing the construction in the tower area on United Way, and it was hoped that this would be completed in the next month or two (2).

Mr. Koenig explained that the Route 13 Water Main Project has been a very detailed project in which the middle of the southbound lanes of US 13 were dug up in order to replace the "water backbone" of US 13 and the business community in that area. He explained that this was a major project which would have a long-term effect on the water pressure and supply in that part of the City.

He informed members that, after completion of the project, the State of Delaware will repave all of US 13 in that area. It was his hope that the City will then have a very solid pavement section and upgraded water system.

In response to Mr. Bonar's question, (in reference to a constituent concern) regarding whether the Route 13 Water Main Project would address problems with runoff in the East Lake Gardens area, Mr. Koenig stated that he met with one (1) constituent in East Lake Gardens and discussed the possibility of installing sump basins that do not have exit pipes but would allow water to drain below the top layer of soil. He explained that there was not a great deal of pipe in the area to connect to, and a major storm sewer upgrade in that area would probably cost between $1M and $3M. He stated that the lack of curbs or gutters in East Lake Gardens would make it difficult to install a storm drain system and direct water to catch basins. Mr. Koenig informed members that the City has had success in other parts of East Lake Gardens with the installation of a bottomless manhole or bottomless catch basin, which allows the water to seep in over a 24 to 48 hour time period and prevents damage to the road. He felt that this was a relatively effective and low-cost project.

Responding to Mr. Bonar, Mr. Koenig stated his belief that they had spoken to the same constituent, and that this individual was in favor of the proposed solution.

Mr. Koenig stated that the Inflow/Infiltration (I&I) Removal Project was moving forward. He reminded members that the City would not realize immediate savings but would save money over the long term from this project, which would benefit all residents by refurbishing and extending the life of the pipes. He stated that controlling the cost of the I&I is a systemic issue for Dover and will need to be addressed over the next 5-15 years.

In regard to the pump station projects, Mr. Koenig informed members that these efforts are moving forward and that bids have been awarded for several of these projects.

Referring to the Tar Ditch Interceptor Project, Mr. Koenig stated that staff has met with residents regarding this project, and these residents have expressed concerns with the proposed location of the pipe. He explained that there would be an impact on the residents because the pipe must be replaced in the existing location due to insufficient latitude to move north or south. This will require maintenance and repairs on a pipe that has been in the ground for approximately 50-60 years, during which time trees have grown around the area and properties have grown toward the pipe. Although staff plans to continue to work with these residents, Mr. Koenig explained that they may voice their concerns to members of the Committee and Council.

In response to Mr. Hare regarding Bayard Avenue, Mr. Koenig explained that blacktopping began in this area earlier in the day and stated his belief that the crews boxed out a portion of Bayard Avenue to Division Street and a portion of Greenhill Road. It was his hope that by week's end the crews would have a majority of the hot mixing finished in the trench area.

Mr. Koenig stated that the projects discussed thus far are backlogged projects and that current year projects, including the Wellhead Redevelopment Programs and the design of various water quality improvements and sewer system improvements, are underway. He explained that the City has a large backlog of projects associated with project financing; however, spending on those projects has accelerated and the projects have begun to move through the system very quickly. Mr. Koenig stated that, as staff moves forward with the redevelopment of the sanitary infrastructure, constituents will see the results of the funds used for capital improvements. Additionally, some reduction in I&I will be noticed as a result of the I&I projects, and water quality will begin to improve as a result of the water quality projects. It was his opinion that staff has done a good job in trying to catch up on the backlogged projects.

In reference to Page 5, Mr. Koenig stated that the Electric Department has been working diligently to bring contracts before Council related to equipment replacement. He explained that there are typically long lead times for these items; therefore, the items that being installed may not necessarily be items that were recently approved. He expressed the importance of continuing to make investments in these projects because they are critical to the reliability of the system.

By unanimous consent, the meeting adjourned at 5:19 P.M.

David L. Bonar
Chairman

DLB/dd/js/tm
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Attachment

Attachment #1 - Proposed Ordinance #2011-27 - Amending Appendix B - Zoning, Article 5 - Supplementary Regulations, (New) Section 21 - Public Utility Infrastructure

CITY OF DOVER ORDINANCE #2011-27

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Appendix B – Zoning, Article 5 – Supplementary Regulations, be amended by inserting a new Section 21 – Public utility infrastructure, as follows:

Section 21 – Public utility infrastructure.

Public utility infrastructure shall be permitted in all zones and generally exempt from the requirements of Article 4 – Zoning Bulk and Parking Regulations, except as provided in this section.

21.1 *Setback.* The minimum setback for public utility structures shall be equal to the setback of the zone in which the structure is located.

21.2 *Fences.* Fences shall be limited to a maximum height of eight feet above ground.

21.3 *Site development plan required.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and related accessory structures.

21.4 *Exceptions.*

21.41 Electric power generation facilities shall be subject to all zoning requirements.

21.42 Private communications antennas and towers shall not be considered public utility infrastructure under the provisions of this subsection, and shall be subject to all zoning requirements.

ADOPTED: *

SYNOPSIS

The proposed ordinance would permit public utility infrastructure, except for electric power generation facilities, in all zoning districts and exempt such infrastructure from bulk requirements.

Action History

October 10, 2011 - Scheduled for Consideration by the Utility Committee

DRAFT